

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**HAKIM MUHAMMAD,**

**Petitioner,**

v.

**1:15-cv-4148-WSD**

**MARTY ALLEN,**

**Respondent.**

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**OPINION AND ORDER**

This matter is before the Court on Petitioner Hakim Muhammad's ("Petitioner") August 12, 2016, Letter to the Court [23], which the Clerk has construed as Petitioner's Motion to Amend Petition for Writ of Habeas Corpus to Change Name of Respondent. Petitioner advises the Court that Marty Allen, the warden at Valdosta State Prison, where Petitioner is incarcerated, has been replaced, as of August 1, 2016, by Stanley Williams.

"[T]he proper respondent to a habeas petition is the person who has custody over [the petitioner]." Rumsfeld v. Padilla, 542 U.S. 426, 434 (2004) (internal quotation marks omitted) (quoting 28 U.S.C. § 2242). Federal Rule of Civil Procedure 25(d) provides that, where a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is

pending, “[t]he officer’s successor is automatically substituted as a party.” Fed. R. Civ. P. 25(d). “The court may order substitution at any time, but the absence of such an order does not affect the substitution.” Id.<sup>1</sup>

Pursuant to Rule 25(d), the Court **DIRECTS** the Clerk of Court to update the docket to reflect the Respondent is Stanley Williams.

**SO ORDERED** this 3rd day of November, 2016.

  
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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Federal Rules of Civil Procedure apply to habeas proceedings. See Rule 12, Rules Governing Section 2254 Cases in the United States District Courts.